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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,458	08/05/2003	Stephen Douglas	SCF02A-CIP	6728

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EXAMINER

HUSBAND, SARAH E

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,458	Applicant(s) DOUGLAS ET AL.	
	Examiner Sarah E. Husband	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 16-23 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed 3/20/2006, with respect to the 112 rejection have been fully considered and are persuasive. In light of the amendment, the rejection of claim 16 has been withdrawn.

Applicant's arguments filed 3/20/2006 with respect to the 103(a) rejection have been fully considered but they are not persuasive. Applicants arguments regarding the nonanalogous art are not persuasive because in the claims there is no limitation or reference to a semiconductor processing system, therefore, as there is no requirement for a semiconductor cleaner, the art reads on the invention as claimed. Applicant's arguments regarding the lack of a process system are also not persuasive because there is a process system (the spray gun, trigger, nozzle, walls) and this statement is sufficiently broad to encompass two items or more which provide a function. Applicant is reminded that a process chamber is also not present in the claimed invention, and therefore these arguments regarding the process chamber are not commensurate with the scope of the claimed invention. Applicants arguments regarding the absence of valves are not persuasive because valves are common in the art and the mere presence or absence of valves does not define patentable subject matter. Lee does disclose valves on the fluid line and the Courts have upheld that the duplication of parts is obvious, *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960) and the rearrangement of parts was held to have been obvious, *In re Japikse* 86 USPQ 70 (CCPA 1950). Therefore, the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent No. 5,505,539).

Lee discloses a process system having a fluid delivery system (Fig. 6, Item 9) with a pump (Fig. 6, Item 7) and heater (Fig. 6, It. 3) and also an additive delivery system (coating), pump (Fig. 6, It. 1) and heater (Fig. 6, It. 3). Lee also discloses the two streams mixed together and the individual flows controlled by a flow meter, which is operated by a controller (Fig. 6, Item 15). Although Lee does not specifically state that there is a directional valve located where the fluids are combined, valves are well known in the art and commonly used to control liquid flows. Lee further discloses a static mixer (Fig. 6, It. 5; Table 2) and a heater used after the solution has been mixed (col. 9, ll. 29-32). This would suggest the heater is placed between the mixer and the process system and would also heat to a final temperature (process temperature). Lee discloses a fluid recirculating line which would allow the fluid to be reheated and directed from the process system (col. 9, ll. 32-36). Lee also discloses pressurizing and heating the fluids to temperatures and pressures of 45-60°C and 1500-2200psi (10.3 MPa-15.2 MPa), which is higher than the C_P and C_T of CO_2 at 7.375 MPa and 31°C and therefore considered a supercritical fluid (col. 10). Lee also

describes using a supercritical fluid in the Background and Detailed Description, col. 4-6. (<http://www.sciencemadesimple.net/pressure.php>; CRC Handbook of Chemistry and Physics, 85th Edition).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art not referred to are DeYoung (US 20030047195), Yamagata (US 20020148492), and Inoue (US 6962161), who disclose supercritical substrate cleaning.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah E. Husband whose telephone number is (571) 272-8387. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SEH

A handwritten signature in black ink, appearing to read 'M. Barr', with a long horizontal stroke extending to the right.

**MICHAEL BARR
SUPERVISORY PATENT EXAMINER**